

**IN THE CLAIMS:**

1-64. Cancelled.

65. (Currently Amended) A method comprising:

selecting, via a processor, a plurality of companies to be included in an intellectual property (IP) index, in which each of the plurality of companies comprises an IP portfolio that comprise at least one patent;

capturing, via the processor, market data relating to each of the for a plurality of companies via a processor, each of the plurality of companies identified from a group of companies based at least on intellectual property asset data for the group of companies, in which the processor performs in accordance with a program that is stored in a memory;  
calculating, via the processor, a value of the IP portfolio for each of an intellectual property index based at least on the market data for the plurality of companies by applying a set of criteria to the market data, in which the set of criteria comprises:

(i) determining a quantity of times that the at least one patent is cited by other patents; and

(ii) determining a total quantity of patents issued to the company;

generating, via the processor, an IP index that is based on the values of the IP portfolios of each company;

receiving, from a remote device, a futures contract in a plurality of orders for at least one derivative financial instrument that comprises at least one term associated with the intellectual property IP index, in which the futures contract is based on the performance of the IP index over a period of time, in which the remote device and the processor are in communication over a network; and

executing, via the processor, a trade for the at least one derivative financial instrument the futures contract at a future date.

66. (Currently Amended) The method of claim 65, wherein in which the act of selecting the group plurality of companies comprises;

determining that each of the [[a]] plurality of companies belongs to in substantially the a same industry.

67. (Currently Amended) The method of claim 65, ~~wherein~~ in which the act of selecting the group plurality of companies further comprises;

determining that the IP portfolio of each of the [[a]] plurality of companies comprises at least one patent related to a particular subject matter having a particular market capitalization.

68-70. Cancelled.

71. (Currently Amended) The method of claim 68 ~~65, wherein each of the intellectual property asset portfolios~~ in which the set of criteria further comprises;  
~~at least one patent and wherein the value associated with each portfolio is based at least on the~~

(iv) determining a weighted average of ages of the at least one patent.

72. (Currently Amended) The method of claim 68 ~~65, wherein each of the intellectual property asset portfolios~~ in which the set of criteria further comprises;

(v) determining a quantity of successful litigations based on the at least one patent  
~~and wherein the value associated with each portfolio is based at least on litigation results associated with the at least one patent.~~

73. (Currently Amended) The method of claim 68 ~~65, in which the set of criteria further comprises;~~ wherein the value associated with an intellectual property asset portfolio is

determined based on at least one of licensing contracts and revenues.

(vi) determining an amount of licensing revenue generated by the at least one patent.

74. (Currently Amended) The method of claim 65, further comprising:  
wherein the market data comprises a stock price for each of determining, based on  
the IP index, a likelihood of failure of at least one of the plurality of companies.

75-97. Cancelled.

98. (New) An apparatus comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 65.

99. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 66.

100. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 67.

101. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 71.

102. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 72.

103. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 73.

104. (New) The apparatus of claim 98, in which the memory further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 74.

105. (New) An article of manufacture comprising:

a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to perform the method of claim 65.

106. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 66.

107. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 67.

108. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 71.

109. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 72.

110. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 73.

111. (New) The article of manufacture of claim 105, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to perform the method of claim 74.